

### **IC 34-12-3**

#### **Chapter 3. Legal Actions Involving Firearms and Ammunition Manufacturers, Trade Associations, and Sellers**

### **IC 34-12-3-0.1**

#### **Application of chapter**

Sec. 0.1. This chapter applies to actions filed before, after, or on April 18, 2001.

*As added by P.L.220-2011, SEC.548. Amended by P.L.106-2015, SEC.1.*

### **IC 34-12-3-1**

#### **"Firearm"**

Sec. 1. As used in this chapter, "firearm" means any weapon:

(1) that is:

(A) capable of expelling; or

(B) designed to expel; or

(2) that may readily be converted to expel;

a projectile by means of an explosion.

*As added by P.L.19-2001, SEC.1. Amended by P.L.106-2015, SEC.2.*

### **IC 34-12-3-2**

#### **"Person"**

Sec. 2. As used in this chapter, "person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

*As added by P.L.19-2001, SEC.1. Amended by P.L.114-2012, SEC.63; P.L.106-2015, SEC.3.*

### **IC 34-12-3-3**

#### **Prohibited actions**

Sec. 3. Except as provided in section 5(1) or 5(2) of this chapter, a person may not bring or maintain an action against a firearms or ammunition manufacturer, trade association, or seller for:

(1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:

(A) design;

(B) manufacture;

(C) marketing; or

(D) sale;

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

*As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.3; P.L.106-2015, SEC.4.*

### **IC 34-12-3-4**

#### **Fees and costs awarded for groundless actions**

Sec. 4. (a) If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

(b) If:

- (1) a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter;
- (2) the action commenced on or before August 27, 1999; and
- (3) the action is dismissed;

no award for attorney's fees or costs incurred shall issue to the plaintiff or the defendant.

*As added by P.L.19-2001, SEC.1. Amended by P.L.106-2015, SEC.5.*

### **IC 34-12-3-5**

#### **Allowable actions**

Sec. 5. Nothing in this chapter may be construed to prohibit a person from bringing or maintaining an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

- (1) Breach of contract or warranty concerning firearms or ammunition purchased by a person.
  - (2) Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition.
  - (3) Injunctive relief to enforce a valid statute, rule, or ordinance.
- However, a person may not bring an action seeking injunctive relief if that action is barred under section 3 of this chapter.

*As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.4; P.L.106-2015, SEC.6.*